

EXHIBIT A



GENERAL POLICE ORDER

CLEVELAND DIVISION OF POLICE



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	12-16-16	1 OF 10	
SUBJECT: WEARABLE CAMERA SYSTEM			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE:			

This General Police Order has been revised in its entirety

PURPOSE: To establish guidelines for the use, management, storage, retrieval, and supervision regarding the Wearable Camera System (WCS). To provide officers with clear guidance on the use of the WCS and preservation of recordings to foster transparency, increase accountability, build trust, and protect the privacy rights of individuals.

POLICY: The WCS shall be deployed to ensure transparency and foster trust in our community. It shall be the responsibility of each officer to deploy their WCS in accordance with this order.

DEFINITIONS:

Wearable Camera System: A body worn digital recording device with secured internal memory for storage of recorded video and audio. This camera system operates in two modes (Buffering and Event). Cleveland Division of Police currently uses Taser Axon Wearable Cameras.

Buffering Mode: After the WCS is powered on, it continuously loops 30 seconds of VIDEO ONLY.

Event Mode: Activated when the WCS is in buffering mode and the event button is pressed two times within one second. The indicator light will begin blinking red giving users a visible indicator that the WCS is now actively recording video and audio. 30 seconds of pre-event video (no audio) recording will be captured from buffering mode. An audible tone will also alert officers that the WCS is activated.

Evidence.com: The online web-based digital storage medium facility. This virtual warehouse stores the digitally encrypted data in a highly secure environment accessible to personnel based on their security clearance.

Evidence Sync: Desktop or Mobile Data Computer (MDC) application that allows WCS users to view captured media from their WCS via a standard USB cable. Officers may also tag, categorize, add notes, and/or incident report numbers to captured media and will allow for upload to their Evidence.Com account.

Evidence Transfer Manager (ETM): The docking unit used to recharge the WCS and upload the encrypted captured media (video and audio). The ETM then transfers the encrypted data digitally to Evidence.com.

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PROCEDURES:

I. General Guidelines

- A. All officers assigned a WCS, while in the field, shall activate their camera immediately upon initiating a response to a call for service, during all investigative or enforcement contacts with the public, or other contact with the public that may or does become adversarial after the initial contact. Officers shall understand there are exceptions and prohibited times to record set forth in sections IV and V.
- B. If placing the WCS in event mode is not feasible due to an immediate risk to the safety of the officer or others, the officer shall place the WCS in event mode as soon as the immediate threat has been addressed.
- C. Officers shall not edit, delete, or alter captured media. The security features of Evidence.com ensure compliance and track all access to captured media.
- D. The existence of captured media shall not replace a thorough, accurate, and complete incident report or Form-1.
- E. Officers shall be responsible for all WCS equipment assigned to them. An officer who's issued WCS is damaged, lost, stolen, or malfunctioning shall immediately notify a supervisor and *as necessary* complete a Form-1 and/or an incident report, and contact the Mobile Support Unit to receive a replacement camera.
- F. Officers shall surrender their WCS to the officer-in-charge (or designee) of the Force Investigation Team (FIT), Accident Investigation Unit (AIU), Internal Affairs Unit, or any supervisor upon request.
- G. The Division reserves the right to limit or restrict an officer's ability to view captured media based on the circumstances surrounding the incident.
 - 1. Officers are authorized to access their own WCS recording for a legitimate law enforcement purpose, including but not limited to completion of reports.
 - a. Officers shall only view their WCS recording after a use of force that requires a FIT response when authorized by the FIT OIC.
 - b. Officers may view their own or another officer's WCS recording, if a FIT response is not required, as necessary to complete required reports or complete a supervisory investigative/administrative function.
- H. Officers shall detail in a Form-1 successful court challenges to the use or appropriateness of captured media and shall forward it to the Chief's Office and the Mobile Support Unit. The Form-1 shall include a summary of the ruling as well as a description of any restriction or sanction resulting from the ruling.
- I. Officers shall be subject to the disciplinary process for intentional, repeated or otherwise unjustified failure to activate their WCS in violation of the Division policy.

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- J. Officers shall only use Division issued recording devices (WCS, video/audio recorders) while on duty. The use of personal recording devices (video and/or audio) while on duty is prohibited.

II. Camera Deployment

- A. Beginning of Their Tour of Duty - Officers shall:

1. Inspect the WCS and related equipment to ensure there are no visible or obvious signs of damage.
2. Place the WCS, with the camera in the upright position, in a location that will most closely capture the officer's field of view.
3. Turn on the WCS, press the activation button twice, and listen for the audible signal to verify the unit is receiving power and functioning properly. (Refer to Section I.D. above)
4. Activate and leave the camera in buffering mode, for the duration of their tour of duty, so the WCS can be easily placed into event mode when required.
5. Log the WCS unit serial number on their Daily Duty Report.
6. Conduct a 360 degree walk around inspection of their assigned police vehicle recording and verbally noting any fresh damage discovered and report same to their immediate supervisor as per the General Police Order (GPO) 8.1.01, Section V.I.2. The 360 degree walk around inspection shall include an inspection of the interior, back seat, and trunk.

- B. During Their Tour of Duty – Requirements for Recording

1. Officers shall:
 - a. Immediately upon initiating a response to a call for service and during all investigative or enforcement contacts with the public, place their WCS into event mode, including but not limited to:
 - i. Calls for service
 - ii. Traffic stops
 - iii. Arrests
 - iv. Searches
 - v. Interviews
 - vi. Pursuits
 - vii. Prisoner/Citizen transports
 - viii. Any situation an officer believes captured media may be of use.
 - b. Place their WCS into event mode during other contacts with the public that may or does become adversarial.
 - c. Record events in accordance with this GPO.
 - d. Unless impracticable due to officer safety issues, advise citizens that a camera is on and recording audio and video.
 - e. Keep the WCS in event mode until the contact has concluded or when ordered by a Cleveland Division of Police supervisor.
 - f. Document the existence of captured WCS media when completing incident reports and on any documents (MM, UTT, PIN) and include the incident number on any citation.

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- g. Record an inspection of the backseat of a zone car after any incident when a person is detained or transported.
- h. Document the reason that a WCS unit has been returned to buffering mode. Documentation shall take the form of making a recorded announcement on the WCS. Examples include;
 - i. Contact complete
 - ii. Incident complete
 - iii. Ordered by supervisor (name) to end recording
 - 1) Exceptions to recording (*II. C. 1. a-j*)
 - 2) Prohibited recording (*II. D. 1. a-d*)
- 2. Notify a supervisor when a WCS was not placed into event mode in compliance with this order as soon as practical.

C. Event Mode: Exceptions to Recording

- 1. The WCS may be returned to buffering mode for the following circumstances, after obtaining approval from their immediate supervisor or the sector/unit supervisor:
 - a. Entering a private home or building where consent of the owner or person with authority to consent to the entrance is required and that person expressly declines to permit video and/or audio recording inside the home or building. This will not apply to an entrance where consent is not required or no longer required once inside the home/building, including entrances related to a search warrant, arrest warrant, domestic violence calls, and emergency or exigent circumstances. If possible, officers shall request that the citizen step outside or, depending on the circumstances and with supervisory approval, return the WCS to buffering mode.
 - b. When interacting with a victim or witness who refuses to cooperate if the WCS is in event mode. If practicable and reasonable, record the victim or witness requesting the WCS be turned off.
 - c. When interacting with a juvenile victim or witness, a parent or legal guardian may refuse to allow the juvenile to cooperate while the WCS is in event mode. If practical and reasonable, record the parent or guardian requesting the WCS be turned off.
 - d. When requested by a victim of domestic violence or sexual assault, if practicable and reasonable, record the victim's request that the WCS be turned off.
 - e. When officers are visiting, or otherwise present at, a school and are not responding to a call for service, not engaging in investigative or enforcement contact, or not engaging in some other contact that may or does become adversarial after the initial contact.
 - f. The incident or event is of such duration that deactivating the WCS is necessary to conserve available recording time and there would be no loss of critical documentary information.
 - g. Investigative personnel arrive on scene and begin the formal investigative process.
 - h. When officers are involved in a traumatic incident and need some personal space or one-on-one contact with family members, friends, and/or co-workers to decompress and manage any emotional stress created by the incident.
 - h. Divisional administrative investigations without the express consent of the commanding officer of the involved district/bureau/section/unit.
 - i. Protected health information and treatment when requested by the patient, medical facility staff, Emergency Medical Service personnel, or Division of Fire personnel.

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- j. Images of confidential informants or undercover officers, unless requested by the undercover officer, their supervisor, or commanding officer.
- 2. Officers shall record, while the WCS is in event mode, the reason the WCS is being returned to buffering mode. (*Refer to II. B. 1. h*)

D. Event Mode: Prohibited Recording

- 1. Officers shall not record in event mode in the following circumstances/situations:
 - a. Internal non-investigative staff meetings, hearings, and encounters with other officers, supervisors, command staff, or City-employed civilians assisting the Division.
 - b. Conversations of fellow officers or civilian employees without their knowledge during routine, non-enforcement related activities.
 - c. Any place where there is a reasonable expectation of personal privacy (e.g., dressing rooms, restrooms) unless necessary to fulfill a law enforcement objective.
 - d. Conversations of/with citizens and/or officers unrelated to investigative or enforcement contacts (e.g., administrative duties, court, community meetings).

E. End of Their Tour of Duty - Officers shall:

- 1. Conduct a 360 degree walk around inspection of their assigned police vehicle recording and verbally noting any fresh damage, not discovered during the tour and report same to their immediate supervisor as per the General Police Order (GPO) 8.1.01, Section V.I.2. The 360 degree walk around inspection shall include an inspection of the interior, back seat, and trunk.
- 2. Inspect the WCS and related equipment to ensure there are no visible or obvious signs of damage. If signs of damage are discovered, report the damage to your immediate supervisor.
- 3. Categorize their captured video by using their MDT or City-owned computer, using the Evidence Sync/Axon View application. Officers may use a cellular device to categorize their captured media.
 - a. If using Axon View on a cellular device officers **shall not**:
 - i. Use the video for anything other than official use.
 - ii. Transfer the video anywhere other than Evidence.com.
- 4. Prior to uploading, categorize, enter an ID (incident report number), and title captured media.
 - a. Log into their Evidence.com account or Evidence Sync account and place all captured media into the appropriate category.
 - b. If multiple categories apply, place the captured media into the category with the longest retention period.
 - c. Add incident report numbers to corresponding captured media as four digit year, dash, and six digit incident number (XXXX-XXXXXX).
 - d. Title the captured media similar to a Daily Duty Report, including the address, nature, and disposition.
 - e. Add notes or mark captured media as needed to assist investigative units with use of the captured media.
- 5. Place the WCS into the ETM slot for uploading of captured media and charging of the unit.

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6. Notify their immediate supervisor if they are unable to upload or if the uploading procedure will cause them to accrue overtime.
7. Officers shall not, while on duty, wait for a WCS to upload in order to use the WCS at secondary employment.

III. Supervisor Responsibilities

A. Supervisors shall:

1. Ensure officers assigned a WCS are using the device in compliance with this order and complete an investigation for violations of this order, as appropriate.
2. Document in their Daily Duty Report any incident in which an officer notifies them about an incident in which the WCS should have been activated, but was not.
3. Instruct officers to return their WCS to buffering mode only when the Exceptions to Recording (Section II C.) or Prohibited Recording (Section II.D.) apply.
4. Record on their WCS which Exception to Recording or Prohibited Recording they used to instruct the member to return their WCS to buffering mode or off.
5. Review all captured media recordings related to a complaint, any incident involving a Level 2 use of force, injuries to officers, and incidents resulting in a supervisory investigation.
6. Reference the existence of captured media in a distinct and separate heading in a supervisory investigation, including:
 - a. All captured media reviewed.
 - b. Any discrepancies between the captured media and reports.
7. View captured media using Evidence.com.
8. Complete a supervisory investigation (including involved officers' Form-1s and incident reports) into the damaged, lost, or stolen WCS and forward it through the chain of command via Blue Team.
9. When notified that an officer is unable to complete the categorizing or tagging of captured media, determine if immediate attention is required or if the task can be completed at the start of the officer's next tour of duty. Supervisors shall note on their Daily Duty Report any permission and justification for overtime or delay in tagging or categorizing recorded events.
10. Contact the Mobile Support Unit OIC to arrange for the pick-up or drop-off of a WCS.
11. During random review, move captured media into correct categories if needed, adding notes indicating the reason for moving the captured media.

IV. Supervisor Random Reviews of Captured Media (according to the below schedule)

A. Supervisors shall conduct adequate, random and direct audits of WCS recordings created by officers under their command to confirm compliance with Cleveland Division of Police policy and to identify areas where additional training or guidance is needed.

1. Sergeants shall:
 - a. Audit 25% of officers assigned to them per month, by pulling (2) two Daily Duty Reports for each officer and comparing them to the Evidence.com summary screen for the audited dates, ensuring notations are consistent.
 - b. Complete the Wearable Camera System Cycle Review form (Attachment A) for each officer reviewed.

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- 2. Lieutenants shall:
 - a. Audit each officer (sergeants and patrol officers) under their command once per year. 25% of reviews shall be completed per quarter.
 - b. Review two videos per officer per category 4, 5, and 6 as described in Section XII.B, of this order.
 - c. Complete the Wearable Camera System Cycle Review form (Attachment B) for each officer reviewed.
 - d. For the sergeant audit, ensure officers are equally distributed among the sergeants under their command.
 - e. Review the documentation associated with the sergeant level of review for the sergeants under their command.
 - 3. Captains shall:
 - a. Audit each officer (lieutenants, sergeants, and patrol officers) under their command once per year. 25% of reviews shall be completed per quarter.
 - b. Review two videos per member per category 1, 2, and 3 as described in Section XII.B, of this order.
 - c. Complete the Wearable Camera System Cycle Review form (Attachment C) for each officer reviewed.
 - d. Review the documentation associated with the lieutenant level of review for the lieutenants under their command.
- B. Completed Wearable Camera System Cycle Review shall be submitted on (database???) through the chain of command, to the commander, monthly for review and forwarded to the Inspection Unit for archiving.
- C. Reviews that discover irregularities may not necessarily result in discipline, but may be used as a training opportunity. Misconduct and/or repeated violations or irregularities, which have been previously addressed, shall be forwarded through the chain of command to the respective Deputy Chief with conclusions and recommendations.

V. Secondary Employment

- A. Use of the WCS while working authorized secondary employment is recommended but not required.
- B. Officers choosing to wear their WCS at secondary employment shall:
 - 1. Return the WCS to the ETM as soon as practical, as the captured media must be uploaded. No overtime shall accrue as a result of categorizing, entering the ID, or entering the title of captured media created at secondary employment.
 - 2. "Tag" captured media using "Secondary Employment" when uploading.
 - 3. Ensure the WCS is charged for their next tour of duty.
 - 4. Adhere to all WCS requirements while working secondary employment.

VI. Media Storage and Access

- A. All captured media shall be uploaded from the ETM and stored at Evidence.com according to the City of Cleveland records retention policy.

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- B. Officers shall not use any recording device to record captured media (still pictures, audio, and/or video) from Evidence.com or Evidence Sync.
- C. Officers shall add notes to captured media stating the reason for each view of captured media (e.g., completing report, court prep, random review, use of force)
- D. Officers are encouraged to note video that they feel may have training value. A Form-1 shall be completed stating the reason, and emailed to the OIC of the Training Section for supervisory review and assessment of training value.

VII. Access and Public Records Request

- A. All captured media is an official record of the Cleveland Division of Police. Officers accessing, copying, or releasing any captured media for any purpose other than law enforcement related is strictly prohibited and shall subject the officer to discipline. All requests to exhibit, display, or demonstrate the WCS to outside parties shall be directed to the Chief's Office.
- B. Captured media obtained in Cleveland Hopkins International Airport shall not be released until reviewed and approved by the Transportation Security Administration and the United States Department of Homeland Security.
- C. The Mobile Support Unit is responsible for reviewing and redacting recording in coordination with the Law Department and pursuant to state public records laws. The Mobile Support Unit shall also screen and forward requests for any law enforcement purpose (e.g., court, case files, and supervisory investigations).
- D. Unusual or exceptional incidents related to law enforcement activities are often the subject of heightened public curiosity and interest. However, officers are strictly prohibited from allowing persons outside of law enforcement to view or listen to any media captured by the WCS or any other Divisional evidence capture system without prior authorization from the Chief.
- E. Unless otherwise directed by the Chief, all video and/or audio recordings recorded on duty shall not be disseminated outside of law enforcement. Officers shall refer all non-Divisional requests for captured media to file a public records request.
- F. The Office of Professional Standards (OPS) shall be provided access to requested video without having to file a public record request. Requests from OPS shall be forwarded to the Mobile Support Unit.
- G. The public may request captured media through a public records request. Release of any captured media will be in accordance with the Ohio Public Records Law.

VIII. Categorizing and Retention of WCS Captured Media

- A. Captured media that officer's suspect needs to be retained longer than the retention period shall be documented in a Form-1 describing the reason and forwarded through the chain of command to the Mobile Support Unit.

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- B. Officers shall use the following categories to assist in maintaining and filing captured WCS media:
1. Homicide/Sex crimes (permanent retention)
 - a. Dead Body Investigations & Crime Scene Video.
 - b. Sexual Assault Investigations & Crime Scene Video.
 - c. Canine contacts.
 - d. Motor Vehicle Crashes with fatalities.
 2. Critical Incidents (retention of 5 years).
 - a. All Motor Vehicle Crashes.
 - b. Any Use of Force incident.
 - c. All arrests
 - d. Complaints.
 - e. Search warrant video.
 - f. Felony crime scene video.
 - g. Investigative detentions.
 - h. Accidents involving city property (Injury to person/City Property).
 - i. Pursuits (vehicle & foot).
 3. Misdemeanors, Traffic Stops, Citations, and Citizen Encounters (retention of 2 years).
 - a. Misdemeanors with identified suspects
 - b. Citations issued without an arrest (UTT & MMC).
 - c. Citizen encounters where none of the other category criteria apply.
 - d. Traffic stops where no citation is issued.
 - e. Captured media that does not fall into any of the above categories.
 - f. Alarms with citizen contact
 4. Administrative and Alarms (retention of 90 days).
 - a. Start of tour vehicle inspection recordings.
 - b. End of tour vehicle inspection recordings.
 - c. Alarms without citizen contact

IX. Training

- A. Officers assigned a WCS shall successfully complete training on all WCS directives and instructions (e.g. inspection, start up, use, shutdown, tagging, and upload), before being equipped with a WCS.
- B. All WCS training shall be conducted by the Mobile Support Unit.
- C. The Mobile Support Unit is responsible for identifying areas related to the WCS where additional training, guidance or potential changes are needed to this order.
- D. Additional and continuous in-service training will be provided to address changes in technology, legal standards, and policies or procedures.